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August 22, 2008

Jon Eardley
Law Offices of Jon Eardley
16020 Puesta Del Sol Drive
Whittier, CA 90603

RE: Conservatorship of Britney J. Spears, BP108870
AG No. LA2008302510

Dear Mr. Eardley,

Thank you for your inquiry on behalf of your client, Britney Spears. In the many documents you have provided, and in our discussions concerning them, you have thoughtfully explained the difficult situation in which Ms. Spears finds herself as a temporary conservatee. On several occasions, you have pointed out that Ms. Spears was not given proper notice of the initial hearing for the appointment of a temporary conservator, that she personally opposes the conservatorship, and that she is not a suitable candidate for a permanent conservatorship.

Based on these concerns, you request the Attorney General intervene in the conservatorship proceeding as an "interested party," and oppose the appointment of a conservator for Ms. Spears. Such a step is appropriate in your view because the Attorney General has a duty to insure that the laws governing conservatorships are properly administered and free from abuse.

The Attorney General's Office acknowledges its duty "to see that the laws of the State are uniformly and adequately enforced." (Cal. Const., art., § 13.) However, the action you propose is an extraordinary one since this office is not a party to, and has no direct or statutory role in, Ms. Spears' case. Therefore, your request requires careful evaluation, beginning with the relevant legal principles.

California's Probate Code provides several methods to challenge a conservatorship, including opposition to a petition to appoint a conservator, a petition to remove a conservator, and a petition to terminate a conservatorship. (Prob. Code, §§ 1829, 2651, 1861(a).) The Code also liberally confers standing on a broad class of individuals who may want to oppose a conservatorship. It allows a conservator, conservatee, spouse, friend, relative, or any interested party to contest the appointment of a conservator, or to petition to remove a conservator or terminate a conservatorship. These parties have the right to file written oppositions with the court and to be present at resulting hearings. (Prob. Code, §§ 1021(a), 1043, 2653.) A

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conservatee also possesses special protections under state law. He or she must be given notice of conservatorship proceedings and has a right to appear at all hearings. In addition, the court must appoint an independent attorney and investigator for the conservatee and must consider reports which include the perspectives of relatives, friends, professionals, and all interested parties. (Prob. Code, §§ 2250.6, 2253(f).)

As you have correctly pointed out, an interested party includes "any interested state, local, or federal entity or agency" or any "interested public officer or employee of this state" (Prob. Code, § 1424.) Under normal circumstances, "interested" government officials are those with direct roles in the conservatorship process, such as mental and health professionals, social workers, public guardians, etc.

However, putting aside the question of whether the Attorney General is an "interested" public officer in this case, it appears that Ms. Spears' rights are being adequately protected by the court overseeing her case. On February 1, 2008, Commissioner Goetz of the Superior Court of Los Angeles County appointed Ms. Spears' father, Jamie, as a temporary conservator. On July 31, 2008, the temporary conservatorship was extended to December 31, 2008, when it will expire or become permanent following a hearing. In addition, the court has set an interim status hearing on October 28, 2008.

The court also appointed attorney Samuel Ingham to represent Ms. Spears and appointed a physician to evaluate Ms. Spears. While our office does not have access to reports by court-appointed investigators and experts, it must be assumed, without strong evidence to the contrary, that the court is appropriately supervising the evaluation process and will properly weigh information it receives when considering whether to appoint a permanent conservator.

You have particularly stressed that Ms. Spears was not given notice of the initial petition for temporary conservatorship, and that good cause to dispense with the notice requirement, under section 2250(c), was never demonstrated. In addition to obtaining a declaration by Prof. William McGovern supporting your position, you filed an appeal in the California Court of Appeal and sought to remove the probate case to United States District Court. While both efforts were unsuccessful, the Court of Appeal merely found that an appeal could not be taken from the appointment of a temporary conservator. As a result, Ms. Spears still retains the ability to challenge the notice issue by filing a petition for writ of mandamus or prohibition.

Because the superior court appears to be properly exercising its authority under state law and because Ms. Spears has adequate means to challenge the imposition of a conservatorship, there is no compelling basis for the Attorney General to intervene in her conservatorship proceeding. Under the circumstances, it would be far more appropriate for Ms. Spears herself or individuals close to her, including concerned friends and relatives, to oppose the conservatorship, rather than a public official with no direct involvement in the case or knowledge of relevant facts. As noted above, almost anyone familiar with Ms. Spears is authorized by law to file petitions to terminate the temporary conservatorship, to oppose the appointment of a permanent conservator, or to remove the conservator in the best interests of Ms. Spears.

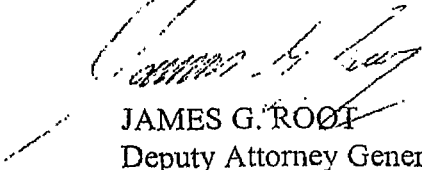
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Without question, conservatorships can be difficult and emotional undertakings, and for good reason, since cherished personal freedoms are at stake. Your diligent efforts to insure the integrity of the judicial process are, therefore, greatly appreciated and in the highest tradition of the legal profession. Based on the information you have shared with this office, it is clear that the conservatorship proceedings in this case have touched on intense emotional and financial issues within the Spears family, and that Ms. Spears believes the conservatorship to be unlawful, onerous, and contrary to her best interests. While mindful of these serious concerns, the Attorney General's Office trusts that the process put in place by the Legislature is being properly implemented by the courts and will afford Ms. Spears every opportunity to obtain a just and fair result.

Again, thank you for your inquiry. If you wish to discuss this matter further, please do not hesitate to contact me at (213) 897-2365.

Sincerely,



JAMES G. ROOT
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

cc: Attorney General Edmund G. Brown Jr.

10-1-08

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 16020 Puesta Del Sol, Whittier, CA.

On March 6, 2009 I served the foregoing document, described as NOTICE OF APPEAL; AND ELECTION TO PROCEED PROSUANT TO CALIF. RULES OF COURT, RULE 8.124 BY WAY OF APPENDIX IN LIEU OF CLERK'S TRANSCRIPT on the interested parties in this action by placing a true copy thereof, in sealed envelopes addressed as follows:

Geraldine A. Wyle, Esq.
Luce, Forward, Hamilton, & Scripps LLP
601 S. Figueroa Street, Suite 3900
Los Angeles, CA 90017

☒ By mail. I am readily familiar with the firm's practice of collection and sending of correspondence. Pursuant to this practice of collection and processing correspondence, it is mailed on date of this service.

Executed this 6th day of March 2009 in Whittier, CA 90603. I declare under penalty of perjury that the foregoing is true and correct.



Michelle Spirtos